

SPECIAL ORDINANCE NO. 16, 2022

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

- 2927 Erie Canal Rd, Terre Haute, IN 47802
Parcel No. : 84-06-34-455-016.000-002
- 2933 Erie Canal Rd., Terre Haute, IN 47802
Parcel No. : 84-06-34-455-023.000-002
- 2955 Erie Canal Rd., Terre Haute, IN 47802
Parcel No. : 84-06-34-455-009.000-002

Rezoned From: C-6 Strip Business

Rezoned To: C-5 General Central Business District

Proposed Use: Retail, Church and School

Name of Owners: Elk Run Properties, Inc.

Address of Owners: P.O. Box 1005, Riley, IN 47871

Phone Number of Owners: c/o Richard J. Shagley II
812-232-3388

Attorney Representing Owners: Richard J. Shagley II

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Amy Auler

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

MAY 06 2022

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 16, 2022**

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

- (84-06-34-455-016.000-002)

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO;

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo County Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence 17°16'09" West, (all bearings based on bearing system for Project No. STP-RRS-T200 () for City of Terre Haute), 13.405 meters (43.98 feet) along the East right of way of 14th Street to the South line of the grantor's land; thence South 90° 00' 00", West, 4.087 meters (13.41 feet) along the South line to a point on the

right of way for Project No. STP-RRS-T200 (); thence North 17° 16' 09" East, 13.405 meters (43.98 feet) along said right of way to the North line of Lot 471; thence North 90° 00' 00" East, 4.087 meters (13.41) along said North line to the point of beginning of this description containing 52.3 square meters (563 square feet) more or less.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

ALSO

(B) (84-06-34-455-023.000-002)

Lots 475 and 476 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 476; thence North 89 degrees 48 minutes 09 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 46.76 feet; thence North 21 degrees 50 minutes 08 seconds East a distance of 29.25 feet; thence South 89 degrees 47 minutes 17 seconds East a distance of 21.37 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.22 feet to the place of beginning containing 0.17 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Lots 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 478; thence North 89 degrees 49 minutes 01 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 75.24 feet; thence South 89 degrees 48 minutes 09 seconds East a distance of 23.72 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.23 feet to the place of beginning containing 0.14 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

ALSO

Lot Number Four Hundred Thirty-two (432) and Lot Number Four Hundred and Thirty three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows: All that part of the Southwest Quarter of the Southeast Quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying South and West of the South and West right of way line of the Southern Indiana Railway Company's property in said Quarter Section, containing Eighteen and Five Hundred Seventy-six thousands (18- 576/1000) acres, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO, Lots 434 and 435, in Rosemont, 2nd Subdivision, an Addition to

the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South East and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO

(C) (84-06-34-455-009.000-002)

Lots 425, 426, 427, 428, 429, 430, and 431 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

ALSO

Lots 472, except 6' off of the North side, 473 and 474 in Rosemont 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana through its Department of Engineering as shown by instrument dated June 15, 2005 and recorded September 20, 2005, in Instrument Number 2005017565, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lots 479 and 480 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana, through its Department of Engineering as shown by instrument dated June 10, 2005 and recorded August 23, 2005, in Instrument

Number 2005015435, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section, except the following described real estate; Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

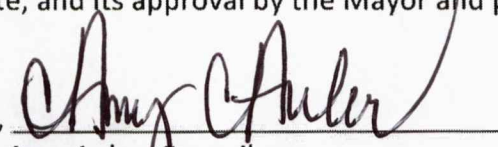
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Parcel No. : 84-06-34-455-009.000-002

Be and the same is hereby established as a C-5 General Central Business District, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member,


Amy Auler, Councilperson

Passed in open Council this ____ day of _____, 2022.

Cheryl Loudermilk, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2022.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2022.

Duke A. Bennett, Mayor

ATTEST:

Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.



Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Laura Lucille Stadler, President of Elk Run Propoerties, Inc., respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

- (84-06-34-455-016.000-002)

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO;

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo County Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence 17°16'09" West, (all bearings based

on bearing system for Project No. STP-RRS-T200 () for City of Terre Haute), 13.405 meters (43.98 feet) along the East right of way of 14th Street to the South line of the grantor's land; thence South 90° 00' 00", West, 4.087 meters (13.41 feet) along the South line to a point on the right of way for Project No. STP-RRS-T200 (); thence North 17° 16' 09" East, 13.405 meters (43.98 feet) along said right of way to the North line of Lot 471; thence North 90° 00' 00" East, 4.087 meters (13.41) along said North line to the point of beginning of this description containing 52.3 square meters (563 square feet) more or less.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

ALSO

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Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as C-6 Strip Business.

Your Petitioner intends to use this real estate for retail space, a church and private school. Your Petitioner would request that the real estate described herein shall be zoned as a C-5 General Central Business District.

Your Petitioner would allege that the C-5 General Central Business District would not alter the general characteristics of this neighborhood since the neighborhood is a mixed-use neighborhood and there are several commercial uses as well as a school in this area.

Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-5 General Central Business District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this petition has been duly executed this 5th day of May, 2022.

PETITIONER:

DocuSigned by:



Laura Lucille Stadler, President of
Elk Run Properties, Inc.

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN
SPECIAL ORDINANCE NO. 16, 2022



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Rezone from: C-6 Strip Business to C-5 General Central Business District

Proposed Use: Retail, Church, and School

STATE OF INDIANA) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Laura Lucille Stadler, President of Elk Run Properties, Inc., LLC, being duly sworn upon his oath, deposes and says:

1. That Elk Run Properties, Inc. is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

- (84-06-34-455-016.000-002)

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75.23 feet to the place of beginning containing 0.14 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

ALSO

Lot Number Four Hundred Thirty-two (432) and Lot Number Four Hundred and Thirty three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows: All that part of the Southwest Quarter of the Southeast Quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying South and West of the South and West right of way line of the Southern Indiana Railway Company's property in said Quarter Section, containing Eighteen and Five Hundred Seventy-six thousands (18- 576/1000) acres, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo

County, Indiana.

ALSO, Lots 434 and 435, in Rosemont, 2nd Subdivision, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South East and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO

(C) (84-06-34-455-009.000-002)

Lots 425, 426, 427, 428, 429, 430, and 431 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

ALSO

Lots 472, except 6' off of the North side, 473 and 474 in Rosemont 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana through its Department of Engineering as shown by instrument dated June 15, 2005 and recorded September 20, 2005, in Instrument Number 2005017565, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lots 479 and 480 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County,

Indiana, through its Department of Engineering as shown by instrument dated June 10, 2005 and recorded August 23, 2005, in Instrument Number 2005015435, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section, except the following described real estate; Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

(A) 2927 Erie Canal Rd, Terre Haute, IN 47802
Parcel No. : 84-06-34-455-016.000-002

(B) 2933 Erie Canal Rd., Terre Haute, IN 47802
Parcel No. : 84-06-34-455-023.000-002

(C) 2955 Erie Canal Rd., Terre Haute, IN 47802
Parcel No. : 84-06-34-455-009.000-002

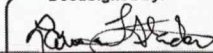
2. That a copy of the Deeds, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiants make this Affidavit for the sole purpose of affirming that Elk Run Properties, Inc. is the owner of record of the above-described real estate, for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Elk Run Properties, Inc.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 5th day of May, 2022.

DocuSigned by:



8969D71215D4417
Laura Lucille Stadler, President of
Elk Run Properties, Inc.

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and State, this _____ day of May, 2022.

_____, Notary Public

My Commission expires: _____

My County of Residence: _____

This instrument prepared by Richard J. Shagley II, Attorney at Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2013004737 QD \$20.00
04/03/2013 03:41:20P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



APR 03 2013

EXEMPT FROM DISCLOSURE FEE

Timothy M. Allsup
VIGO COUNTY AUDITOR

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH:

That **ANDREW STADLER**, a competent adult, of Vigo County, State of Indiana, RELEASES AND QUIT CLAIMS to **ELK RUN PROPERTIES, INC.**, an Indiana Corporation, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Lots 475 and 476 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 476; thence North 89 degrees 48 minutes 09 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 46.76 feet; thence North 21 degrees 50 minutes 08 seconds East a distance of 29.25 feet; thence South 89 degrees 47 minutes 17 seconds East a distance of 21.37 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.22 feet to the place of beginning containing 0.17 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Lots 477 and 478 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West except the following tract:

Beginning at the Southeast Corner of Lot number 478; thence North 89 degrees 49 minutes 01 seconds West a distance of 23.72 feet; thence North 17 degrees 26 minutes 12 seconds East a distance of 75.24 feet; thence South 89 degrees 48 minutes 09 seconds East a distance of 23.72 feet; thence South 17 degrees 26 minutes 12 seconds West a distance of 75.23 feet to the place of beginning

2


containing 0.14 acres more or less after exception and all situated in Harrison Township, Vigo County, Indiana.

ALSO

Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2") East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

IN WITNESS WHEREOF, the said Grantor, above named, Andrew Stadler, has caused this Quit Claim Deed to be executed this 29 day of March, 2013.



Andrew Stadler

STATE OF INDIANA)
)SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public, in and for said County and State, this 29 day of March, 2013, personally appeared Andrew Stadler, who acknowledged the execution of the foregoing Quit Claim Deed for and on behalf of said Grantor, and acknowledged the execution of the same to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Jimi J. Brown
Notary Public
Printed: Jimi J. Brown



My Commission Expires:

1-20-2018

County of Residence:

Clay

Mail tax duplicates to: 1101 E. Margaret Ave., Terre Haute, IN 47802.

Mailing address of real estate: 2941 S. 14th Street, Terre Haute, IN 47802;
2937 S. 14th Street, Terre Haute, IN 47802;

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Richard J. Shagley
Richard J. Shagley

This instrument prepared by Richard J. Shagley, Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, IN 47807.



QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That VXi 30, INC. by its President, LAURA LUCILLE STADLER, "GRANTOR", **CONVEYS AND QUITCLAIM ALL RIGHT, TITLE AND INTEREST**, to ELK RUN PROPERTIES, INC., "GRANTEE", of Vigo County, Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate located in Vigo County, State of Indiana:

Lot Four Hundred Seventy-one (471) in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

ALSO;

Six (6) feet of even width off the North side of Lot 472 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said quarter Section.

EXCEPT that part appropriated by the City of Terre Haute by order of the Vigo County Superior Court Division Three under Cause Number 84D03-0508-PL-6653, dated March 14, 2006 and recorded June 13, 2006 as Instrument Number 2006012262, in the records of the Recorder's Office of Vigo County, Indiana, described as follows:

Commencing at the Northeast corner of Lot 471 and the point of beginning of this description: thence 17°16'09" West, (all bearings based on bearing system for Project No. STP-RRS-T200 () for City of Terre Haute), 13.405 meters (43.98 feet) along the East right of way of 14th Street to the South line of the grantor's land; thence South 90° 00' 00", West, 4.087 meters (13.41 feet) along the South line to a point on the right of way for Project No. STP-RRS-T200 (); thence North 17° 16' 09" East, 13.405 meters (43.98 feet) along said right of way to the North line of Lot 471; thence North 90° 00' 00" East, 4.087 meters (13.41) along said North line to the point of beginning of this description containing 52.3 square meters (563 square feet) more or less.

Commonly known as: 2927 Erie Canal Road
Terre Haute, IN 47802

Previously known as: 2927 S. 14th Street
Terre Haute, IN 47802

Parcel: 84-06-34-455-016.000-00

VIGO COUNTY AUDITOR

IN WITNESS WHEREOF, the above stated Grantor, VXI 30, INC., by its President LAURA LUCILLE STADLER, have hereunto set their hands and seals this 10th day of February, 2021.

DATE: 02/10/21

BY :

LAURA LUCILLE STADLER,
Grantor

Executed in my presence:

DATE: 02/10/21

BY:

CHRISTOPHER MICHAEL HARRIS,
Witness

STATE OF INDIANA)
) ss:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, this 10th day of February, 2021, personally appeared the within named VXI 30 INC., by its President LAURA LUCILLE STADLER, in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

MY COMM'N EXPIRES:

Q4 / 27⁵AL2024

RES: Vigo County, IN

BY:

Notary Public

BY: MARIA E. DAVID
Printed

MAIL TAX DUPLICATES TO:

ELK RUN PROPERTIES, INC.

P.O. Box 1005

Riley, IN 47871

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

BY :

LAURA LUCILLE STADLER

THIS DEED PREPARED BY: KALEEL M. ELLIS III, ATTORNEY AT LAW
417 WABASH AVENUE, TERRE HAUTE, INDIANA 47807 (812) 234-9000

FILED FOR TAXATION
Subject to final acceptance for transfer

APR 16 2014

EXEMPT FROM DISCLOSURE FEE

2014005131 CORP QUIT \$18.00
04/16/2014 03:09:26P 2 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented

Timothy M. Sepede
VIGO COUNTY AUDITOR

CORPORATE QUIT CLAIM DEED

THIS INDENTURE WITNESSETH:

That **STADLER & CO., INC.**, an Indiana Corporation of Vigo County, State of Indiana, QUIT CLAIMS to **ELK RUN PROPERTIES, INC.**, an Indiana Corporation of Vigo County, State of Indiana, for the sum of one dollar and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Vigo County, Indiana, to-wit:

Lot Number Four Hundred Thirty-Six (436) in Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the Southwest quarter of the Southeast quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right-of-Way lines of the Southern Indiana Railroad property in said quarter section.

Commonly known as 2926 South 13 1/2 Street, Terre Haute, Indiana 47802.

The undersigned person executing this Deed on behalf of the Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this Deed; that Grantor has full corporation capacity to convey the real estate described herein and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, The said Grantor above named Stadler & Co., Inc., an Indiana Corporation, has caused this Corporate Quit Claim Deed to be executed on the 15 day of April, 2014.

STADLER & CO., INC.

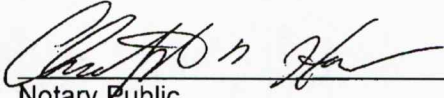
BY: *Andrew Stadler*
Andrew Stadler, President

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, a Notary Public, in and for said County and State, personally appeared, Andrew Stadler, as President of Stadler & Co., Inc., an Indiana corporation, Grantor in the above conveyance, and acknowledges the execution of the same as its voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.




Notary Public

Printed: Christopher Harris

My Commission Expires

Sep 1, 2019

My County of Residence:

Vigo

2955 Erie Canal Rd
Mail to: Elk Run Properties, Inc., ~~1390 East Margaret Drive~~, Terre Haute, IN 47802

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.


Richard J. Shagley

This instrument prepared by Richard J. Shagley, of Wright, Shagley & Lowery, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

JUL 16 2019

SALES DISCLOSURE
NOT REQUIRED

James W. Bramble
VIGO COUNTY AUDITOR

2019007501 CORP WD \$25.00
07/16/2019 02:18:24P 2 PGS
Stacey Todd
VIGO County Recorder IN
Recorded as Presented


CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, That Stadler & Co., Inc., a corporation organized and existing under the laws of the State of Indiana, (hereinafter called GRANTOR), for and in consideration of the payment to it of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby CONVEYS AND WARRANTS to Elk Run Properties, Inc., a corporation organized and existing under the laws of the State of Indiana, (hereinafter called GRANTEE(S)), its one-half interest in the following described real estate in Vigo County, Indiana, to-wit:

Lot Number Four Hundred Thirty-two (432) and Lot Number Four Hundred and Thirty-three (433) in Rosemont Second Section, an Addition to the City of Terre Haute, which addition is described as follows:

All that part of the Southwest Quarter of the Southeast Quarter of Section Thirty-four (34), Township Twelve (12) North, Range Nine (9) West lying South and West of the South and West right of way line of the Southern Indiana Railway Company's property in said Quarter Section, containing Eighteen and Five Hundred Seventy-six thousands (18-576/1000) acres, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

ALSO, Lots 434 and 435, in Rosemont, 2nd Subdivision, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West Quarter of the South East and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section, as shown in Plat Record 9, Page 11, in the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to the taxes prorated from the date hereof.

As a further consideration of the payment of the above sum, the persons executing this deed on behalf of Grantor represent and certify, for the purpose of inducing Grantee(s) to accept this Warranty Deed, that they are the duly elected officers of Grantor and have been fully empowered by the By-Laws of Grantor and proper resolution of the Board of Directors of Grantor to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate conveyed by this instrument and that all necessary action for the making of such conveyance has been taken; that the real estate conveyed by this instrument is conveyed in the usual and regular course of business as such term is defined in the Indiana Business Corporation Law, as amended.

IN WITNESS WHEREOF, Stadler & Co., Inc. has caused this deed to be executed in its name and on its behalf by its duly authorized officers, this 12th day of July, 2019.

Stadler & Co., Inc.

By *Chris H*

ATTEST:

Chris Harris, EA, Treasurer
(Printed Name and Title)

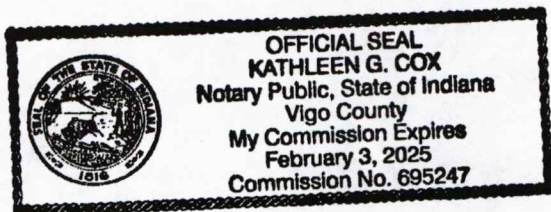
By _____

(Printed Name and Title)

STATE OF Indiana)
COUNTY OF Vigo) SS:

I, Kathleen G. Cox, a Notary Public in and for said county and state, do hereby certify that Chris Harris and _____, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such officers, and to be such officers, appeared before me this day in person and, being first duly sworn, said and acknowledged that they are such officers and that they signed and delivered said deed as a free and voluntary act of said Stadler & Co., Inc. and as their own free and voluntary act as such Treasurer and _____, by authority of the Board of Directors of said corporation for the use and purposes therein set forth.

Given under my hand and notarial seal this 12th day of July, 2019.



Kathleen G Cox
Notary Public

(Printed Name)

My Commission Expires: _____

My County of Residence: _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Donald J. Bonomo
Donald J. Bonomo

This instrument was prepared by Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Ave., Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

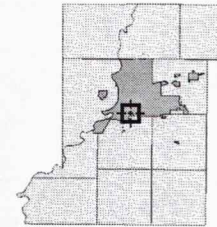
GRANTEE'S ADDRESS: 7050 E. Woodsmall Dr, Terre Haute, IN 47802.

MAIL TAX STATEMENTS TO: P.O. Box 2212, Terre Haute, IN 47802.

Beacon™ Vigo County, IN / City of Terre Haute



Overview



Legend

- ☐ Corporate Limits
- ☐ Political Township
- ☐ Sections
- ☐ Blocks
- ☐ Lots
- ☐ Parcels
- ☐ Road Centerlines
- ☐ 2022 Sales

Parcel ID	84-06-34-455-009.000-002	Alternate ID	84-06-34-455-009.000-002	Owner Address	Elk Run Properties Inc
Sec/Twp/Rng	34	Class	Com Neighborhood shopping cntr		PO Box 2212
Property Address	2955 ERIE CANAL RD	Acreage	n/a		Terre Haute, IN 47802
	TERRE HAUTE				
Neighborhood	118321 - HARRISON				
District	002 HARRISON				
Brief Tax Description	ROSEMONT 2ND SEC ALSO LOTS 475-480 & VAC ALLEY ADJ				
	2004017903 34-12-9 LOTS 425-431				
	(Note: Not to be used on legal documents)				

Date created: 4/26/2022

Last Data Uploaded: 4/26/2022 5:29:13 AM

Developed by  Schneider
GEOSPATIAL

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

2013004736 CORP QUIT \$20.00
04/03/2013 03:41:20P 3 PGS
NANCY S. ALLSUP
VIGO County Recorder IN
Recorded as Presented



APR 03 2013

EXEMPT FROM DISCLOSURE FEE

Timothy M. Allsup
VIGO COUNTY AUDITOR

CORPORATE QUIT CLAIM DEED

THIS INDENTURE WITNESSETH:

STADLER & CO., INC., an Indiana Corporation, organized under the laws of the State of Indiana, **QUIT CLAIMS TO ELK RUN PROPERTIES, INC.**, an Indiana Corporation, for and in consideration of the sum of One Dollar (\$1.00) of the following described Real Estate in Vigo County, in the State of Indiana, to-wit:

Lots 425, 426, 427, 428, 429, 430, and 431 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

ALSO

Lots 472, except 6' off of the North side, 473 and 474 in Rosemont 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana through its Department of Engineering as shown by instrument dated June 15, 2005 and recorded September 20, 2005, in Instrument Number 2005017565, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Lots 479 and 480 in Rosemont, 2nd Section, an Addition to the City of Terre Haute, Indiana, being a Subdivision of all that part of the South West quarter of the South East quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property in said quarter Section.

Except that part conveyed to the City of Terre Haute, Vigo County, Indiana, through its Department of Engineering as shown by instrument dated June 10, 2005 and recorded August 23, 2005, in Instrument Number 2005015435, in records of the Recorder's Office of Vigo County, Indiana.

ALSO

Being at the Southeast corner of Lot 425, Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the East lines of Lots 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, and 435, to a point on the East line of Lot 435 15 feet South of the Northeast Corner of said Lot 435 in Rosemont 2nd Section; thence East 15 feet to the West line of Lot 472 in Rosemont 2nd Section; thence, South along the West lines of Lots 472, 473, 474, 475, 476, 477, 478, 479 and 480 to the Southwest corner of Lot 480 of Rosemont 2nd Section; thence East 15 feet to the place of beginning being the Southeast Corner of Lot 425 in Rosemont 2nd Section, except the following described real estate;

Beginning at the South West corner of Lot 478 Rosemont 2nd Section, an addition to the City of Terre Haute, Indiana, being a subdivision of all that part of the South West Quarter of the South East Quarter of Section 34, Township 12 North, Range 9 West, lying South and West of the South and West Right of Way lines of the Southern Indiana R.R. property, in said Quarter Section; thence North along the West line of Lots 478, 477, 476, and 475, Rosemont 2nd Section, to the North West corner of Lot 475; thence West seven and one half feet (7 1/2') to the center of vacated alley in Rosemont 2nd section; thence South to a point seven and one half feet (7 1/2') West of the South West corner of Lot 478 in Rosemont 2nd Addition; thence seven and one half feet (7 1/2'') East of the South West Corner of Lot 478 in Rosemont 2nd Addition being the place of beginning. Said alley being vacated by Ordinance 27, 2011, by the Common Council in the City of Terre Haute, Indiana on January 12, 2012, and recorded on February 10, 2012, in Instrument No. 2012001607, in records of the Recorder's Office of Vigo County, Indiana.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

The undersigned person executing this Deed on behalf of the Grantor represents and certifies that he is a duly elected officer of Grantor and has been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this Deed; that Grantor has full corporation capacity to convey the real estate described herein and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, The said Grantor above named Stadler & Co., Inc., an Indiana Corporation, has caused this Corporate Quit Claim Deed to be executed on the 29 day of March, 2013.

STADLER & CO., INC.

By: 
ANDREW STADLER, PRESIDENT

STATE OF INDIANA)
) SS:
 COUNTY OF VIGO)

Before me, a Notary Public, in and for said County and State, this 29 day of March, 2013, personally appeared, Andrew Stadler, as President of Stadler & Co., Inc., LLC, an Indiana Corporation, Grantor in the above conveyance, and acknowledges the execution of the same as his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Joni J. Brown
 Notary Public

Printed: Joni J. Brown

My Commission Expires:

1-20-2018

My County of Residence:

Clay

Mail tax duplicates to: 1101 E. Margaret Ave., Terre Haute, IN 47802.

Mailing address of real estate: 2956 S. 13 ½ Street, Terre Haute, IN 47802;
 2970 S. 13 ½ Street, Terre Haute, IN 47802;
 1390 Margaret Avenue, Terre Haute, IN 47802;

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Richard J. Shagley

This instrument prepared by Richard J. Shagley, of Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807 (812) 232-3388.

Receipt

TERRE HAUTE, IN.
PAID
MAY 5 2022

CONTROLLER

The following was paid to the City of Terre Haute, Controller's Office

Date: 5/8/22

Name: Elk Run

Reason: Rezoning - Notice of Filing \$25.00
Rezoning - Petition \$ 20.00
\$45.00

Cash: _____

Check: 45.00 #1672566

Credit: _____

Total: \$45.00

Received By: L. Ellis / ET